

## **REMARKS/ARGUMENTS**

### **The Status of the Claims.**

Claims 31, 34 to 35, 37 to 39, 41 to 44, 46 and 47 are pending with entry of this amendment. Claims 1 to 30, 32, 33, 36, 40 and 45 being cancelled. Claims 31 and 47 are amended herein. These amendments introduce no new matter and support is replete throughout the specification. These amendments are made without prejudice and are not to be construed as abandonment of the previously claimed subject matter or agreement with any objection or rejection of record.

Applicants appreciate that the Office, in the Advisory Action of May 21, 2008, has entered the amendments of Applicant's April 11, 2008, Response.

With respect to claim 31, the amendment merely incorporates the limitations of previous claim 45. Support for the claimed compositions can be found throughout the specification. For example, see the figures, the sequence listing, the original claims, and the specification at paragraphs 21, 41, 42, 85 to 89, 102, 105, 168 and 177.

With regard to claim 47, the amendment incorporates the limitations of claim 31. Support for the compositions can be found throughout the specification. For example, see the figures, the original claims, the sequence listing, and the specification at paragraphs 14, 21, 27, 41, 42, 85 to 89, 102, 105, 152, 168 and 177.

Applicants submit that no new matter has been added to the application by way of the above Amendment. Accordingly, entry of the Amendment is respectfully requested.

### **Interview Summary.**

In a telephonic Interview of July 22, 2008, applicant's representative, Gary Baker, and Examiner Gebreyesus discussed claims 45 and 47, as presented in the proposed amendments faxed to the Office on July 3, 2008. The Examiner indicated the deletion of the "complimentary polynucleotide sequence" aspect from claim 45 would address the remaining section 112 issue. With regard to claim 47, the examiner noted there may be ambiguity

concerning the "at least one" amino acid, possibly resulting in the claim reading on proteins with only one unnatural redox amino acid.

Although the proposed amendments appeared to resolve issues of record, the Examiner requested claim amendments be presented in an RCE for further consideration.

**35 U.S.C. §112, First Paragraph.**

Claims 45 to 47 were rejected under 35 U.S.C. §112, first paragraph.

With regard to claim 45, the Office has asserted "one of the complimentary nucleotide sequences does not encode a functional molecule." Applicants note that the text of claim 45 (now incorporated into claim 31) no longer includes the phrase "complimentary polynucleotide sequence thereof". Because the claim no longer includes the objected phrase, Applicants respectfully request withdrawal of the rejection.

With regard to claim 47, the Office rejects because "at least two selector codons are required." Applicants believe this point of rejection is addressed in the currently amended claim 47, which requires the nucleic acid to comprise "at least two selector codons". Because the claim complies with the stated requirement, Applicants respectfully request the rejection be withdrawn.

**35 U.S.C. §103(a).**

In the Advisory Action, claims 31, 33 to 35, 38, 39, and 41 to 44 were rejected under 35 U.S.C. §103(a) as allegedly obvious based on Schultz (US 7,045,337) in light of Rodriguez (Biochemistry Journal 149: 115-121, 1975). To the extent the rejection is deemed applicable to the amended claims, Applicants traverse.

Claims 45 and 47 are not rejected based on allegations of obviousness. Because the currently amended independent claim 31 incorporates the limitations of claim 45, it cannot be considered obvious. Further, dependent claims cannot be considered obvious.

Applicants note that the rejections of record do not allege teachings in the prior art of, e.g., an O-tRNA of SEQ ID NO: 2, or of unique combinations of specific structures that function together to provide a protein with two or more of the specifically cited redox amino acids.

Because the currently amended independent claims include aspects that would not have been obvious to one in the art at the time, Applicants respectfully request section 103 rejections be withdrawn.

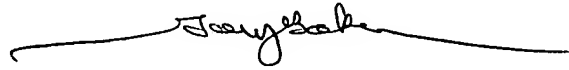
### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the claims are deemed not to be in condition for allowance after consideration of this Response, a telephone interview with the Examiner is hereby requested. Please telephone the undersigned at (510) 769-3510 to schedule an interview.

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Respectfully submitted,



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Attachments:

- 1) A petition to extend the period of response for 1 month;
- 2) A transmittal sheet;
- 3) A fee transmittal sheet;
- 4) Request for continued examination; and,
- 5) A receipt indication postcard.